

IN THE DRAWINGS:

The attached drawing includes changes to FIG. 5. The replacement sheet containing FIG. 5 replaces the original sheet including FIG. 5. In FIG. 5, the terminology "SERVICE DATA INPUT" has been amended to recite ---SERVICE DATA/ADDITIONAL INFORMATION DATA INPUT--- for clarity, in accordance with paragraph [0045] of the specification.

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 29 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-34, 36-38, and 40-42 are pending. Claims 1-28 and 42 are withdrawn. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

- (a) it is believed that the amendment of claim 29 and FIG. 5 put this application into condition for allowance;
- (b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;
- (c) the amendments of claim 29 and FIG. 5 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or
- (d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §112 and REPLACEMENT FIGURE TO CLARIFY FIG. 5:

In the Office Action, at pages 2-3, numbered paragraph 4, independent claim 29 and dependent claims 30-34, 36-38, 40-41 (by virtue of their dependencies) were rejected under

35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This rejection is traversed and reconsideration is requested.

It appears that there is some confusion in the interpretation of FIG. 5. FIG. 5 has been amended (see REPLACEMENT SHEET for FIG. 5) for clarity. In FIG. 5, the terminology "SERVICE DATA INPUT" has been amended to recite ---SERVICE DATA/ADDITIONAL INFORMATION DATA INPUT--- in accordance with, for example, paragraph [0045] of the specification.

It is respectfully submitted that, for example, paragraph [0045] of the specification, recited below for the convenience of the Examiner, specifies that the received data that is inserted in the user data region is additional information data:

[0045] Next, the user data inserting portion 42 receives the data for service through the input end (b), and transmits the received data by an amount that corresponds to the amount of the user data that can be inserted as determined by the screen complexity analyzing portion 41. The inserted additional information data is therefore transmitted in the user data region of the video data. (emphasis added)

Thus, FIG. 5 has been amended for clarity to show more clearly that SERVICE DATA/ADDITIONAL INFORMATION DATA INPUT is input into the USER DATA INSERTING PORTION 42. In addition, claim 29 has been amended for clarity, in accordance with, for example, paragraph [0045] of the specification, to recite, in part:

wherein the first data comprises a user data portionregion, wherein the formatted second data is inserted into the user data portionregion,
wherein the first data is video data, and wherein the second data is additional information data.

"The user data portion" of a data packet, as described in paragraph [0042] of the present application, is a region which is defined to be used by the broadcasting companies or by the transmitters of the broadcasting services. Therefore, "the user data portion" is different from "the user data inserting portion 42" in FIG. 5.

To clarify this, "a user data portion" in claim 29 has been amended to recite ---a user data region---, which is explained in paragraph [0045].

Hence, it is submitted to be clear that the formatted second data is additional information data, that the first data is video data, and that the formatted second data is inserted into the user data region.

Thus, it is respectfully submitted that independent claim 29 and dependent claims 30-34, 36-38, 40-41 (by virtue of their dependencies) are in allowable form under 35 U.S.C. §112, first paragraph, and comply with the enablement requirement

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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